

# **CASE SUMMARY** **CASE NO. C-2556-17-E**

Francisco Ayala  
 VS.  
 Trayesa LLC, Hetelberto Perez Rocha

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Location: 275th District Court  
 Judicial Officer: Partida, Juan  
 Filed on: 06/07/2017

## **CASE INFORMATION**

Case Type: **Injury or Damage - Motor Vehicle (OCA)**

## **DATE**

## **CASE ASSIGNMENT**

### **Current Case Assignment**

Case Number C-2556-17-E  
 Court 275th District Court  
 Date Assigned 06/07/2017  
 Judicial Officer Partida, Juan

## **PARTY INFORMATION**

**Plaintiff** Ayala, Francisco

*Lead Attorneys*  
**REYNA, EZEQUIEL, Jr.**  
*Retained*  
 956-968-9556(W)


**Defendant** Rocha, Hetelberto Perez  
 Trayesa LLC

## **DATE**


## **EVENTS & ORDERS OF THE COURT**

## **INDEX**

06/23/2017

 Notice Sent  
 Party: Attorney REYNA, EZEQUIEL, Jr.  
*ORDER FOR SUBSTITUTED SERVICE*

06/22/2017

 Order Granting Motion for Substituted Service, Signed


06/21/2017

E-Filing Forwarded to Court Queue  
*ORDER FOR SUBSTITUTED SERVICE*


06/21/2017

 Proposed Order  
*FOR SUBSTITUTED SERVICE*


06/21/2017

 Motion for Substitute Service, Filed

06/07/2017

 Citation Issued  
 Party: Defendant Trayesa LLC; Defendant Rocha, Hetelberto Perez


06/07/2017

**Citation**  
 Trayesa LLC  
 Served: 06/23/2017  
 Anticipated Server: Civil Processor  
 Actual Server: Civil Processor  
 Return Date/Time: 06/23/2017

 Rocha, Hetelberto Perez  
 Served: 06/23/2017

DATE 7-6-17  
 A true copy I certify  
**LAURA HINOJOSA**  
 District Clerk, Hidalgo County, Texas  
 Deputy #10

**CASE SUMMARY**  
**CASE NO. C-2556-17-E**

06/07/2017	Anticipated Server: Civil Processor Actual Server: Civil Processor Return Date/Time: 06/23/2017   Original Petition (OCA)	
DATE	FINANCIAL INFORMATION	
	<b>Plaintiff</b> Ayala, Francisco Total Charges Total Payments and Credits <b>Balance Due as of 7/6/2017</b>	    354.00 354.00 <b>0.00</b>

CAUSE NO. C-2556-17-E

FRANCISCO AYALA

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IN THE DISTRICT COURT

v

\_\_\_\_ JUDICIAL DISTRICT

TRAREYSA LLC, and HETELBERTO  
PEREZ ROCHA

HIDALGO COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

FRANCISCO AYALA, Plaintiff files this Original Petition complaining of TRAREYSA LLC, and HETELBERTO PEREZ ROCHA defendants and show:

**1. DISCOVERY CONTROL PLAN**

Plaintiffs intend to proceed under Discovery Control Plan No. 2.

**2. PARTIES**

Plaintiffs are individuals who reside in Hidalgo County, Texas.

TRAREYSA LLC, is a Domestic Limited Liability Company doing business in Texas and may be served by serving their Registered Agent:

SOFIA MACIAS  
1801 E. Hwy 281, Ste. 3  
Hidalgo, TX 78557

HETELBERTO PEREZ ROCHA is an individual who resides in Hidalgo County, Texas,

who may be served as follows:

HETELBERTO PEREZ ROCHA  
420 E. Coma Ave., Ste. C  
Hidalgo, TX. 78557

DATE 7-6-17  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
*[Signature]* Deputy #10

**C-2556-17-E**

**3. JURISDICTION**

The Court has jurisdiction over the parties because all reside in Texas. The court has jurisdiction over the controversy because the damages are within the jurisdictional limits of the court.

**4. VENUE**

Venue is proper in Hidalgo County, Texas because the incident made the basis of this suit occurred in Hidalgo County.

**5. FACTS**

On March 2, 2017, Francisco Ayala was driving his 2010 Jeep Liberty traveling eastbound in the center lane of the 800 block of Interstate 2 in Weslaco, Hidalgo County, Texas.

Hetelberto Perez Rocha, in the course and scope of his employment for TRAREYSA LLC, was driving his employer's Kenworth tractor, pulling a trailer. Mr. Rocha was also traveling eastbound in the outside lane of the 800 block of Interstate 2, in Weslaco, Hidalgo County, Texas.

Mr. Rocha in an attempt to make a lane change when unsafe to do so collided with Mr. Ayala's vehicle.

Plaintiff was seriously injured in the collision.

**6. NEGLIGENCE.** The collision described above, and the resulting injuries and damages suffered by plaintiffs, were actually and proximately caused by Hetelberto Perez Rocha's negligence in one or more of the following acts or omissions:

- failing to maintain control of his vehicle;
- failing to timely and properly apply his brakes prior to the collision;
- driving his vehicle at a greater rate of speed than a reasonable and prudent person would have driven under similar conditions.

C-2556-17-E

- failing to maintain such lookout as a person of ordinary prudence would have maintained under the same or similar circumstances.
- defendant failed to indicate an intention to change lanes.

7. **RESPONDEAT SUPERIOR.** TRAREYSA LLC is owned or leased or otherwise controlled the vehicle Hetelberto Perez Rocha was driving at the time of the collision. At that time, Hetelberto Perez Rocha was an employee of TRAREYSA LLC, and was driving its vehicle in the course and scope of his employment. TRAREYSA LLC is liable to plaintiff for Hetelberto Perez Rocha's negligence through the doctrine of respondeat superior.

Alternatively, Hetelberto Perez Rocha was the statutory employee of TRAREYSA LLC, notwithstanding traditional common-law doctrines of master-servant or respondeat superior. 49 C.F.R. § 390.5 (defining "employee" and "employer") TRAREYSA LLC is vicariously liable, as a matter of law, for Hetelberto Perez Rocha's negligence.

8. **NEGLIGENT HIRING, SUPERVISION, TRAINING, or RETENTION.**

TRAREYSA LLC owed plaintiffs a legal duty to hire, supervise, train, and retain competent employees. TRAREYSA LLC was negligent in failing to use ordinary care when hiring, supervising, training, or retaining TRAREYSA LLC. Hetelberto Perez Rocha committed an actionable tort in the course and scope of his employment for TRAREYSA LLC.

9. **PERSONAL INJURY DAMAGES.**

As a direct and proximate result of defendants' acts and omissions, plaintiffs suffered serious personal injury. Plaintiffs' damages exceed the minimum jurisdictional limit of this Court, and include,

- past, present, and future medical bills;

**C-2556-17-E**

- past, present, and future physical pain and mental anguish;
- past, present, and future physical impairment.

**10. RULE 47 STATEMENT**

The damages sought by plaintiff are within the jurisdictional limits of the court. Plaintiff seek monetary relief over \$200,000, but not more than \$1 million. The maximum amount claimed by plaintiffs for personal injury damages will not exceed \$1 million.

**11. PREJUDGEMENT INTEREST**

Plaintiffs seek pre-judgment interest on the past damages found by the trier of fact.

**12. JURY DEMAND**

Plaintiffs demand a trial by jury, and have tendered the jury fee.

**13. REQUEST FOR DISCLOSURE**

Pursuant to Rule 194, Tex. R. Civ. Proc., the defendants are requested to disclose, within 50-days of service of this request, the material and information described in Tex. R. Civ. Proc. 194.2 (a)-(k). In addition to the content subject to disclosure under Rule 194.2, the Defendants are requested to disclose all documents, electronic information, and tangible items that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses. Plaintiffs' written interrogatories, admissions and request for production to Defendants are served with this Petition, and are attached to the pleading as EXHIBIT A and EXHIBIT B.

**P R A Y E R**

WHEREFORE, plaintiffs pray that, on final trial, plaintiffs have:

1. Judgment against defendants for damages in a sum in excess of the minimum jurisdictional limits of the court;

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6/7/2017 10:28:30 AM  
Hidalgo County District Clerks  
Reviewed By: Alexis Bonilla

**C-2556-17-E**

2. Pre-judgment interest;
3. Post-judgment interest;
4. Costs of suit;
5. All such other relief, at law or at equity, to which plaintiffs may show themselves to be entitled.



LAW OFFICES OF EZEQUEL REYNA, JR., P.C.

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Ezequiel Reyna, Jr.  
State Bar No. 16794798  
Edward L. Ciccone  
State Bar No. 04250550  
Damon Garcia  
State Bar No. 24072105  
702 W. Expressway 83, Suite 100  
Weslaco, Texas 78596  
(956) 968-9556 Phone / (956) 969-0492 Fax

CAUSE NO. C-2556-17-E

FRANCISCO AYALA

v

TRAREYSA LLC, and HETELBERTO  
PEREZ ROCHA

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IN THE DISTRICT COURT

\_\_\_\_ JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

PLAINTIFF'S INTERROGATORIES, REQUESTS FOR ADMISSIONS,  
AND REQUESTS FOR PRODUCTION

TO: Defendant TRARYESA LLC by and through:

SOFIA MACIAS  
1801 E. Hwy 281, Ste. 3  
Hidalgo, TX 78557

Pursuant to Rules 193, 194, 196, 197, and 198 of the Texas Rules of Civil Procedure, Plaintiff serves these written Interrogatories, Requests for Admissions, and Requests for Production. You must respond to these discovery requests within fifty (50) days after service of this notice.

LAW OFFICES OF EZEQUIEL REYNA, JR., P.C.

Ezequiel Reyna, Jr.  
State Bar No. 16794798  
Edward L. Ciccone  
State Bar No. 04250550  
Damon Garcia  
State Bar No. 24072105  
702 W. Expressway 83, Suite 100  
Weslaco, Texas 78596  
(956) 968-9556 Phone / (956) 969-0492 Fax



**C-2556-17-E**

**EXHIBIT A**

**CERTIFICATE OF SERVICE**

I certify that these requests were forwarded to the process server engaged to serve the Defendant TRARYESA LLC with Plaintiff's Original Petition with instructions to serve the requests on the Defendant at the time of service of Plaintiff's Original Petition.



Ezequiel Reyna, Jr.

**C-2556-17-E**

**DEFINITIONS AND INSTRUCTIONS**

The definitions set forth herein are meant to supplement and enlarge any similar definitions contained in the Texas Rules of Civil Procedure. In the event any definitions herein are inconsistent with the Rules, the Rules shall govern, but where the Rules are silent on a particular point, the definitions shall control. The definitions and instructions are as follows:

1. The terms "you," "your," or "Defendant" refers to TRAREYSA LLC, its employees, agents, insurance company, and/or legal counsel; all to be broadly defined.
2. The term "document" and/or "tangible things" as used in these requests are used in their most comprehensive sense and mean the original and any copies of every written, printed, typed, recorded, reported or graphic record or material, including every draft and/or non-identical copy of every type and description that is in the actual or constructive possession, custody or control of defendant(s).
3. The term "collision" refers to the collision made the subject of this lawsuit.
4. The term "Plaintiff(s)' vehicle" refers to the vehicle which Plaintiff(s) were occupying at the time of the collision made the subject of this lawsuit.
5. The terms "relates to," "relating to," or "related to" shall be construed in their broadest sense.
6. These requests are continuing in nature. In the event you become aware of or acquire possession, custody, or of additional information responsive to these requests, you are requested to supplement your responses.
7. If you object to any of these requests on the ground that it requests information that is privileged or falls within the work product doctrine, please also provide the following information:
  - a. State the nature of the privilege or doctrine you claim;
  - b. If a document is the subject of your claim or privilege or exemption from discovery, indicate the same and identify the document and the person or persons known to you who have seen the document; and
  - c. If an oral communication is the subject of your claim or privilege or exemption from discovery, state the name and identify the communication, the person or persons known to you to whom the substance of the communication has or had been disclosed, and state whether any document records or refers to the communication and identify such document.

**C-2556-17-E**

**PLAINTIFF'S INTERROGATORIES TO  
TRAREYSA LLC**

**INTERROGATORY No. 1:**

Please identify yourself by stating your name, title, business address, business email, and business phone number.

**ANSWER:**

**INTERROGATORY No. 2:**

Where was your employee, Hetelberto Perez Rocha, coming from and going to at the time of the collision?

**ANSWER:**

**INTERROGATORY No. 3:**

Please describe how you contend the collision occurred, stating in your answer each factor which you contend caused or contributed to it, including, without limitation, a mechanical defect, an "Act of God," any acts or omissions of any third party or parties, a sudden emergency, and/or an unavoidable accident.

**ANSWER:**

**INTERROGATORY No. 4:**

Please identify the Federal Motor Carrier Safety Administration (FMCSA) violation history for the five (5) years prior to the date of the collision, stating in your answer the names and addresses of all the drivers, vehicle descriptions, and reasons for each violation.

**ANSWER:**

**INTERROGATORY No. 5:**

Have you ever been convicted of a crime classified by federal or state law as a felony or involving moral turpitude, regardless of punishment? If so, please provide the cause number and the court where your case was pending, the date of conviction, the sentence imposed, and the date and disposition of any appeal.

**ANSWER:**

**INTERROGATORY No. 6:**

Please state as close to verbatim as you can all statements which you allege Plaintiff made and/or which you allege Plaintiff made to anyone else at the scene of the collision regarding (1) the cause or contributing cause of the collision, (2) Plaintiff's claims of injury (or statements that plaintiff was not injured), (3) Plaintiff's complaints of pain (or statements that Plaintiff was not in pain).

**ANSWER:**

**C-2556-17-E**

**INTERROGATORY No. 7:**

Please state as close to verbatim as you can all statements which you allege were made to Plaintiff and/or anyone else at the scene of the collision regarding the cause or contributing cause of the collision.

**ANSWER:**

**INTERROGATORY No. 8:**

Pursuant to Texas Rules of Civil Procedure, Rule 192.3 (d), disclose the name, address, and telephone number of any person who is expected to be called to testify at trial, excluding any rebuttal or impeaching witnesses the necessity of whose testimony cannot reasonably be anticipated before trial.

**ANSWER:**

**INTERROGATORY No. 9:**

With regard to your company's driving and safety record:

- a. Identify each and every license held at the time of the incident, and when and where you obtained each license;

**ANSWER:**

- b. Describe each and every license suspension and/or revocation received in the five (5) years prior to the incident. For each suspension and/or revocation, state the date, term, and reason for the suspension and/or revocation.

**ANSWER:**

- c. Describe each and every traffic citation or ticket received in the five (5) years prior to the incident. State the date and place of the citation or ticket, the alleged offense, and the resolution.

**ANSWER:**

- d. Describe each and every vehicular accident your vehicles were involved in the five (5) years prior to the incident. State the location and date of each accident; the names and addresses of the other parties; the alleged cause of the accident, whether anyone was allegedly injured; and whether any claims for personal injury and/or property damage were made.

**ANSWER:**

**C-2556-17-E**

INTERROGATORY No. 10:

Please describe what property damage (if any) the vehicle owned by you sustained in the incident made the basis of this suit, and what injuries (if any) were sustained by your employee as a result of the incident.

ANSWER:

**C-2556-17-E**

**PLAINTIFF'S REQUESTS FOR ADMISSIONS TO  
DEFENDANT TRAREYSA LLC**

**ADMISSION NO. 1:**

Admit HETELBERTO PEREZ ROCHA was your employee of at the time of the collision.

ANSWER:

**ADMISSION NO. 2:**

Admit HETELBERTO PEREZ was driving a vehicle owned or leased or controlled by TRAREYSA LLC in the course and scope of his employment at the time of the collision made the basis of this suit.

ANSWER:

**ADMISSION NO. 3:**

Admit HETELBERTO PEREZ ROCHA had been cited previously for not adhering to the Federal Motor Carrier Safety Administration rules and regulations, specifically, not speaking or reading English.

ANSWER:

**ADMISSION NO. 4:**

Admit HETELBERTO PEREZ ROCHA had been cited previously for not adhering to the Federal Motor Carrier Safety Administration rules and regulations, specifically, violation of duty status recording, including not maintaining his log book in the correct form and/or manner.

ANSWER:

**ADMISSION NO. 5:**

Admit HETELBERTO PEREZ ROCHA trained its employee drivers to follow the Federal Motor Carrier Safety Administration rules and regulations.

ANSWER:

**ADMISSION NO. 6:**

Admit TRAREYSA LLC did not train its employees and drivers to follow the Federal Motor Carrier Safety Administration rules and regulations.

**C-2556-17-E**

ANSWER:

ADMISSION NO. 7:

Admit TRAREYSA LLC had liability insurance coverage on the tractor trailer HETELBERTO PEREZ ROCHA was driving at the time of the incident made the basis of this suit.

ANSWER:

ADMISSION NO. 8:

Admit employee driver HETELBERTO PEREZ ROCHA was an insured driver on the liability insurance policy of TRAREYSA LLC at the time of the incident made the basis of this suit.

ANSWER:

**C-2556-17-E**

CAUSE NO. \_\_\_\_\_

FRANCISCO AYALA

v

TRAREYSA LLC, and HETELBERTO  
PEREZ ROCHA

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IN THE DISTRICT COURT

\_\_\_\_\_ JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

**VERIFICATION**

THE STATE OF TEXAS

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COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared, \_\_\_\_\_, who by me being duly sworn on oath, deposed and stated that he, as an Officer and/or authorized representative of the Defendant in the above-entitled numbered cause, has reviewed the interrogatories and admissions and said answers and objections contained therein are true and correct to the best of his knowledge.

TRAREYSA LLC.

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

Title

Subscribed and sworn to before me, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public, State of Texas



**C-2556-17-E**

**PLAINTIFF'S REQUEST FOR PRODUCTION TO  
DEFENDANT TRAREYSA LLC**

**REQUEST FOR PRODUCTION No. 1:**

Please produce a legible copy of the front and back of your current licenses.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 2:**

Please produce all telephone records, bills, invoices or other documents that reflect any and all calls you made and/or received on the date of the collision regarding the collision made the basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 3:**

Please produce copies of attendance records, diplomas and/or certificates regarding driver training courses or safety programs given by you in the five (5) years prior to the incident made the basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 4:**

Please produce a copy of the policy or policies of liability insurance providing coverage to Defendant in this lawsuit on the date of the collision. Please produce a copy of each page of any policy or policies, not merely the declaration sheets, including a list of insured drivers.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 5:**

Please produce all photographs in your possession, constructive possession, custody, or control, or that of anyone acting on your behalf (including your attorney or insurance company) which were taken of any and all vehicles involved in the collision.

**RESPONSE:**

**C-2556-17-E**

REQUEST FOR PRODUCTION No. 6:

Please produce copies of estimates, invoices, and/or other written documentation in your possession, constructive possession, custody, or control (or that of anyone acting on your behalf, including your attorney or insurance company) which were prepared as a result of the damage to any and all vehicles involved in the collision.

RESPONSE:

REQUEST FOR PRODUCTION No. 7:

Please produce any reports, memoranda, documents, photographs, videos, or materials of any type whatsoever in your possession, constructive possession, custody, or control (or that of anyone acting on your behalf, including your attorney or insurance company) referring or relating to any type of investigation (including without limitation credit checks, criminal records searches, surveillance, photographs, videos, or interviewing of persons) that concern any party, witness, and/or person with knowledge of facts which you may offer into evidence at trial for any purpose.

RESPONSE:

REQUEST FOR PRODUCTION No. 8:

Please produce a copy of all medical records, doctor or hospital records, reports or medical documents of any kind containing information about plaintiff and/or concerning the medical or physical condition of plaintiff which are in your possession, constructive possession, custody or control (or that of anyone acting on your behalf, including your attorney or insurance company)

RESPONSE:

REQUEST FOR PRODUCTION No. 9:

With respect to the truck/tractor involved in the collision, please provide the following:

- a. purchase, regulation, and title information;
- b. all trip sheets for the thirty (30) days preceding the date of the collision;
- c. all drivers' log books for the thirty (30) days preceding the date of the collision;
- d. all weigh tickets for the ten (10) days preceding the date of the collision;
- e. all work orders for the thirty (30) days preceding the date of the collision;
- f. all bills of lading for the thirty (30) days preceding the date of the collision;

**C-2556-17-E**

- g. all COMDATA checks for the thirty (30) days preceding, and including, the date of the collision;
- h. all fuel receipts for the thirty (30) days preceding, and including, the date of the collision;
- i. Any documents, records, or other data from any GPS system relating to the vehicle's movements in the thirty (30) days preceding, and including, the date of the collision;
- j. all maintenance reports and records for the twelve (12) months preceding, and including, the date of the collision;
- k. all repair orders for the twelve (12) months preceding, and including, the date of the collision;
- l. all documents reflecting repair expenditures for the twelve (12) months preceding, and including, the date of the collision;
- m. all vehicle condition reports for the twelve (12) months preceding, and including, the date of the collision;
- n. all records indicating whether the vehicle was ever involved in a collision;
- o. all records indicating whether the vehicle ever suffered damage for any reason;
- p. The "truck" or similar file pertaining to this vehicle; please produce the entire file.

RESPONSE:

**REQUEST FOR PRODUCTION No. 10:**

With respect to the trailer involved in the collision, please provide the following:

- a. purchase, regulation, and title information;
- b. all trip sheets for the thirty (30) days preceding, and including, the date of the collision;
- c. all drivers' log books for the thirty (30) days preceding, and including, the date of the collision;
- d. all weigh tickets for the ten (10) days preceding, and including, the date of the collision;

**C-2556-17-E**

- e. all work orders for the thirty (30) days preceding, and including, the date of the collision;
- f. all bills of lading for the thirty (30) days preceding, and including, the date of the collision;
- g. all COMDATA checks for the thirty (30) days preceding, and including, the date of the collision;
- h. all fuel receipts for the thirty (30) days preceding, and including, the date of the collision;
- i. Any documents, records, or other data from any GPS system relating to the vehicle's movements in the thirty (30) days preceding, and including, the date of the collision;
- j. all maintenance reports and records for the twelve (12) months preceding, and including, the date of the collision;
- k. all repair orders for the twelve (12) months preceding, and including, the date of the collision;
- l. all documents reflecting repair expenditures for the twelve (12) months preceding, and including, the date of the collision;
- m. all vehicle condition reports for the twelve (12) months preceding, and including, the date of the collision;
- n. all records indicating whether the trailer was ever involved in a collision;
- o. all records indicating whether the trailer ever suffered damage for any reason;
- p. The "trailer" or similar file pertaining to this equipment; produce the entire file.

RESPONSE:

REQUEST FOR PRODUCTION No. 11:

Please produce the following employment records concerning HETELBERTO PEREZ ROCHA:

- a. Application for employment;
- b. Responses from any state agencies, federal agencies, and past employers to your inquiries regarding HETELBERTO PEREZ ROCHA employment and driving records, including Motor vehicle records (MVR);
- c. The complete Driver Qualifications file for HETELBERTO PEREZ ROCHA;

**C-2556-17-E**

- d. All Road Test records relating to HETELBERTO PEREZ ROCHA, including certificates of a road test (issued under Part 391.31(e) of the Federal Motor Carrier Safety Regulations ["FMCSR"]) and/or a copy of the license or certificate that you accepted as an equivalent (in accordance with Part 391.33 FMCSR).
- e. All medical examiners' certificates relating to HETELBERTO PEREZ ROCHA;
- f. Any records or documents of pre-employment and random drug and/or alcohol tests, including drug and/or alcohol test on date of collision made basis of this suit;
- g. Any documents relating to any type of illegal drug use and/or alcohol abuse by HETELBERTO PEREZ ROCHA;
- h. Any and all accident reports, including but not limited to, accident register listing all DOT recordable preventable accidents;
- i. Annual review of driving records;
- j. Documentation of all violations of motor vehicle laws and ordinances;
- k. Any and all documentation concerning disciplinary actions, demerits, reprimands or incidents indicating less than satisfactory job performance;
- l. All records of duty status (including but not limited to logs), as outlined in Part 395 of the FMCSR for the thirty (30) days preceding, and including, the date of the collision;
- m. all log books, trip sheets, fuel receipts, work orders, bills of lading, expense records, and any other documents showing HETELBERTO PEREZ ROCHA trip movements for the thirty (30) days preceding, and including, the date of the collision;

RESPONSE:

REQUEST FOR PRODUCTION No. 12:

Please produce all manuals, memoranda, bulletins, and/or notices that reflect any and all training and/or instruction which you provided to HETELBERTO PEREZ ROCHA (or made available to him) in the five (5) years prior to the collision regarding safe driving, accident avoidance, and/or emergency procedures.

RESPONSE:

**C-2556-17-E**

**REQUEST FOR PRODUCTION No. 13:**

Please produce copies of attendance records, diplomas and/or certificates regarding driver training courses or safety programs that HETELBERTO PEREZ ROCHA attended and/or completed in the five (5) years prior to the collision.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 14:**

Please produce all telephone records, bills, invoices or other documents that reflect any and all calls, texts, faxes, and/or emails that employees, representatives, and/or officers made or received on the date of the collision regarding the collision made the basis of this suit.

**RESPONSE:**

CAUSE NO. C-2556-17-E

FRANCISCO AYALA

v

TRAREYSA LLC, and HETELBERTO  
PEREZ ROCHA

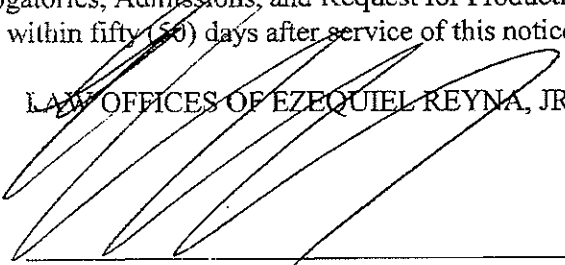
§ IN THE DISTRICT COURT  
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§ \_\_\_\_\_ JUDICIAL DISTRICT  
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§ HIDALGO COUNTY, TEXAS

PLAINTIFF'S INTERROGATORIES, REQUESTS FOR ADMISSIONS  
AND REQUEST FOR PRODUCTION

TO: HETELBERTO PEREZ OCHOA  
420 E. Coma Ave., Ste. C  
Hidalgo, TX 78557

Pursuant to Rules 193, 194, 196, 197, and 198 of the Texas Rules of Civil Procedure, Plaintiff serves these written Interrogatories, Admissions, and Request for Production. You must respond to these discovery requests within fifty (50) days after service of this notice.

LAW OFFICES OF EZEQUIEL REYNA, JR., P.C.



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702 W. Expressway 83, Suite 100  
Weslaco, Texas 78596  
(956) 968-9556 Phone / (956) 969-0492 Fax  
ATTORNEYS FOR PLAINTIFF

**C-2556-17-E**

Exhibit B

**CERTIFICATE OF SERVICE**

I certify that these requests were forwarded to the process server engaged to serve the Defendant HETELBERTO PEREZ ROCHA with Plaintiff's Original Petition with instructions to serve the requests on the Defendant at the time of service of Plaintiff's Original Petition.



\_\_\_\_\_  
Ezequiel Reyna Jr.



**C-2556-17-E**

**DEFINITIONS AND INSTRUCTIONS**

The definitions set forth herein are meant to supplement and enlarge any similar definitions contained in the Texas Rules of Civil Procedure. In the event any definitions herein are inconsistent with the Rules, the Rules shall govern, but where the Rules are silent on a particular point, the definitions shall control. The definitions and instructions are as follows:

1. The terms "you," "your," or "defendant" refers to HETELBERTO PEREZ ROCHA.
2. The term "document" and/or "tangible things" as used in these requests are used in their most comprehensive sense and mean the original and any copies of every written, printed, typed, recorded, reported or graphic record or material, including every draft and/or non-identical copy of every type and description that is in the actual or constructive possession, custody or control of defendant(s).
3. The term "collision" refers to the collision made the subject of this lawsuit.
4. The term "plaintiff(s)' vehicle" refers to the vehicle which plaintiff(s) were occupying at the time of the collision made the subject of this lawsuit.
5. The terms "relates to," "relating to," or "related to" shall be construed in their broadest sense.
6. These requests are continuing in nature. In the event you become aware of or acquire possession, custody, or of additional information responsive to these requests, you are requested to supplement your responses.
7. If you object to any of these requests on the ground that it requests information that is privileged or falls within the work product doctrine, please also provide the following information:
  - a. State the nature of the privilege or doctrine you claim;
  - b. If a document is the subject of your claim or privilege or exemption from discovery, indicate the same and identify the document and the person or persons known to you who have seen the document; and
  - c. If an oral communication is the subject of your claim or privilege or exemption from discovery, state the name and identify the communication, the person or persons known to you to whom the substance of the communication has or had been disclosed, and state whether any document records or refers to the communication and identify such document.

**C-2556-17-E**

**PLAINTIFF'S INTERROGATORIES TO DEFENDANT  
HETELBERTO PEREZ ROCHA**

**INTERROGATORY No. 1:**

Please identify yourself by stating your name, business address, and business phone number.

**ANSWER:**

**INTERROGATORY No. 2:**

Where were you coming from and where were you going at the time of the collision?

**ANSWER:**

**INTERROGATORY No. 3:**

Please describe how you contend the collision occurred, stating in your answer each factor which you contend caused or contributed to it, including, without limitation, a mechanical defect, an "Act of God," any acts or omissions of any third party or parties, a sudden emergency, and/or an unavoidable accident.

**ANSWER:**

**INTERROGATORY No. 4:**

Please identify your educational background, stating the name and address of any school or trade school you attended. Include in your response the dates during which you attended each school and any degrees or certifications you may have received.

**ANSWER:**

**INTERROGATORY No. 5:**

Please identify your employment history for the five (5) years prior to the date of the collision, stating in your answer the names and addresses of all your employers, your job duties, rates of pay, and reasons for leaving each employment. If you were self-employed during any portion of that time, indicate the periods of self-employment, the type of work you were doing, and rates of pay.

**ANSWER:**

**C-2556-17-E**

**INTERROGATORY No. 6:**

Have you ever been convicted of a crime classified by federal or state law as a felony or involving moral turpitude, regardless of punishment? If so, please provide the cause number and the court where your case was pending, the date of his conviction, the sentence imposed, and the date and disposition of any appeal. Additionally, if your sentence imposed confinement, please identify the name and location of the facility where you were confined, the sentence you served, and the date of his release from confinement.

ANSWER:

**INTERROGATORY No. 7:**

Please state as close to verbatim as you can all statements which you allege plaintiff made to you and/or which you allege you heard plaintiff make to anyone else at the scene of the collision regarding (1) the cause or contributing cause of the collision, (2) plaintiff's claims of injury (or statements that plaintiff was not injured), (3) plaintiff's complaints of pain (or statements that plaintiff was not in pain).

ANSWER:

**INTERROGATORY No. 8:**

Please state as close to verbatim as you can all statements which you allege that you made to plaintiff and/or anyone else at the scene of the collision regarding the cause or contributing cause of the collision.

ANSWER:

**INTERROGATORY No. 9:**

Pursuant to Texas Rules of Civil Procedure, Rule 192.3 (d), disclose the name, address, and telephone number of any person who is expected to be called to testify at trial, excluding any rebuttal or impeaching witnesses the necessity of whose testimony cannot reasonably be anticipated before trial.

ANSWER:

**INTERROGATORY No. 10:**

With regard to your driving record:

- a. Identify each and every driver's license you held at the time of the incident, and when and where you obtained each license;

**C-2556-17-E**

ANSWER:

- b. Describe each and every driver's license suspension and/or revocation you received in the five (5) years prior to the incident. For each suspension and/or revocation, state the date, term, and reason for the suspension and/or revocation.

ANSWER:

- c. Describe each and every traffic citation or ticket you received in the five (5) years prior to the incident. State the date and place of the citation or ticket, the alleged offense, and the resolution.

ANSWER:

- d. Describe each and every vehicular accident you were involved in as a driver in the five (5) years prior to the incident. State the location and date of each accident; the names and addresses of the other parties; the alleged cause of the accident, whether anyone was allegedly injured; and whether any claims for personal injury and/or property damage were made.

ANSWER:

**INTERROGATORY No. 11:**

Please describe what property damage (if any) the vehicle you were driving sustained in the incident, and what injuries (if any) you allege you sustained as a result of the incident.

ANSWER:

**C-2556-17-E**

**PLAINTIFFS' REQUESTS FOR ADMISSIONS TO  
DEFENDANT HETELBERTO PEREZ ROCHA**

**ADMISSION NO. 1:**

Admit you were an employee of TAREYSA LLC at the time of the collision.

ANSWER:

**ADMISSION NO. 2:**

Admit you were driving a vehicle owned or leased or controlled by TAREYSA LLC in the course and scope of your employment at the time of the collision made the basis of this suit.

ANSWER:

**ADMISSION NO. 3:**

Admit you had been cited previously for not adhering to the Federal Motor Carrier Safety Administration rules and regulations, specifically, not speaking or reading English.

ANSWER:

**ADMISSION NO. 4:**

Admit you had been cited previously for not adhering to the Federal Motor Carrier Safety Administration rules and regulations, specifically, violation of duty status recording, including not maintaining your log book in the correct form and/or manner.

ANSWER:

**ADMISSION NO. 5:**

Admit TRAREYSA LLC trained you to follow the Federal Motor Carrier Safety Administration rules and regulations.

ANSWER:

**C-2556-17-E**

ADMISSION NO. 6:

Admit TRAREYSA LLC did not train you to follow the Federal Motor Carrier Safety Administration rules and regulations.

ANSWER:

ADMISSION NO. 7:

Admit TRAREYSA LLC had liability insurance coverage on the tractor trailer you were driving at the time of the incident made the basis of this suit.

ANSWER:

ADMISSION NO. 8:

Admit you were an insured driver on the liability insurance policy of TRAREYSA LLC the time of the incident made the basis of this suit.

ANSWER:

ADMISSION NO. 9:

Admit you failed to yield the right of way to Plaintiff at the time of the incident made the basis of this suit.

ANSWER:

ADMISSION NO. 10:

Admit you disregarded the red traffic light at the time of the incident made the basis of this suit.

ANSWER:

C-2556-17-E

CAUSE NO. \_\_\_\_\_

FRANCISCO AYALA

v

TRAREYSA LLC, and HETELBERTO  
PEREZ ROCHA

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IN THE DISTRICT COURT

\_\_\_\_\_ JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

VERIFICATION

THE STATE OF TEXAS

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§

COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared,  
\_\_\_\_\_, who by me being duly sworn on oath, deposed and stated that he,  
the Defendant in the above-entitled numbered cause; has reviewed the interrogatories and admissions  
and said answers and objections contained therein are true and correct to the best of his knowledge.

\_\_\_\_\_  
HETELBERTO PEREZ ROCHA  
Defendant

Subscribed and sworn to before me, the undersigned authority, on this \_\_\_\_ day of  
\_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public, State of Texas

**C-2556-17-E**

**PLAINTIFF'S REQUEST FOR PRODUCTION TO  
DEFENDANT HETELBERTO PEREZ ROCHA**

**REQUEST FOR PRODUCTION No. 1:**

Please produce a legible copy of the front and back of your current CDL driver's license and medical certification.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 2:**

Please produce all telephone records, bills, invoices or other documents that reflect any and all calls you made or received on any cell phone on the date of the collision.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 3:**

Please produce copies of attendance records, diplomas and/or certificates regarding driver training courses or safety programs that you attended and/or completed in the five (5) years prior to the incident made the basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 4:**

Please produce a copy of the policy or policies of liability insurance providing coverage to defendant in this lawsuit on the date of the collision. Please produce a copy of each page of any policy or policies, not merely the declaration sheets.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 5:**

Please produce all photographs in your possession, constructive possession, custody, or control, or that of anyone acting on your behalf (including your attorney or insurance company) which were taken of any and all vehicles involved in the collision.

**RESPONSE:**



**C-2556-17-E**

**REQUEST FOR PRODUCTION No. 6:**

Please produce copies of estimates, invoices, and/or other written documentation in your possession, constructive possession, custody, or control (or that of anyone acting on your behalf, including your attorney or insurance company) which were prepared as a result of the damage to any and all vehicles involved in the collision.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 7:**

Please produce any reports, memoranda, documents, photographs, videos, or materials of any type whatsoever in your possession, constructive possession, custody, or control (or that of anyone acting on your behalf, including your attorney or insurance company) referring or relating to any type of investigation (including without limitation credit checks, criminal records searches, surveillance, photographs, videos, or interviewing of persons) that concern any party, witness, and/or person with knowledge of facts which you may offer into evidence at trial for any purpose.

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 8:**

Please produce a copy of all medical records, doctor or hospital records, reports or medical documents of any kind containing information about plaintiff and/or concerning the medical or physical condition of plaintiff which are in your possession, constructive possession, custody or control (or that of anyone acting on your behalf, including your attorney or insurance company)

**RESPONSE:**

**REQUEST FOR PRODUCTION No. 9:**

Please produce the following employment records concerning HETELBERTO PEREZ ROCHA:

- a. Application for employment;
- b. Responses from any state agencies, federal agencies, and past employers to your inquiries regarding HETELBERTO PEREZ ROCHA employment and driving records, including Motor vehicle records (MVR);
- c. The complete Driver Qualifications file for HETELBERTO PEREZ ROCHA;

**C-2556-17-E**

- d. All Road Test records relating to HETELBERTO PEREZ ROCHA, including certificates of a road test (issued under Part 391.31(e) of the Federal Motor Carrier Safety Regulations ["FMCSR"]) and/or a copy of the license or certificate that you accepted as an equivalent (in accordance with Part 391.33 FMCSR).
- e. All medical examiners' certificates relating to HETELBERTO PEREZ ROCHA;
- f. Any records or documents of pre-employment and random drug and/or alcohol tests, including drug and/or alcohol test on date of collision made basis of this suit;
- g. Any documents relating to any type of illegal drug use and/or alcohol abuse by HETELBERTO PEREZ ROCHA;
- h. Any and all accident reports, including but not limited to, accident register listing all DOT recordable preventable accidents;
- i. Annual review of driving records;
- j. Documentation of all violations of motor vehicle laws and ordinances;
- k. Any and all documentation concerning disciplinary actions, demerits, reprimands or incidents indicating less than satisfactory job performance;
- l. All records of duty status (including but not limited to logs), as outlined in Part 395 of the FMCSR for the thirty (30) days preceding, and including, the date of the collision;
- m. all log books, trip sheets, fuel receipts, work orders, bills of lading, expense records, and any other documents showing HETELBERTO PEREZ ROCHA's trip movements for the thirty (30) days preceding, and including, the date of the collision;

RESPONSE:

REQUEST FOR PRODUCTION No. 10:

Please produce all manuals, memoranda, bulletins, and/or notices that reflect any and all training and/or instruction which provided to HETELBERTO PEREZ ROCHA (or made available to him) in the five (5) years prior to the collision regarding safe driving, accident avoidance, and/or emergency procedures.

RESPONSE:

**C-2556-17-E**

**REQUEST FOR PRODUCTION No. 11:**

Please produce copies of attendance records, diplomas and/or certificates regarding driver training courses or safety programs that HETELBERTO PEREZ ROCHA attended and/or completed in the five (5) years prior to the collision.

RESPONSE:

**REQUEST FOR PRODUCTION No. 12:**

Please produce all telephone records, bills, invoices or other documents that reflect any and all calls, texts, faxes, and/or emails that employees, representatives, and/or officers made or received on the date of the collision regarding the collision made the basis of this suit.

RESPONSE:

## CAUSE NO. C-2556-17-E

FRANCISCO AYALA

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IN THE DISTRICT COURT

v

275TH JUDICIAL DISTRICT

TRAREYSA LLC, and HETELBERTO  
PEREZ ROCHA

HIDALGO COUNTY, TEXAS

**PLAINTIFF'S MOTION FOR SUBSTITUTED SERVICE**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, FRANCISCO AYALA, Plaintiff, and moves for substituted service on TRAREYSA LLC, AND HETELBERTO PEREZ ROCHA, Defendants, and for cause of action show:

1. As stated in the attached affidavits of Armando Soto, an authorized process server, service of process upon Defendants TRAREYSA LLC and its employee HETELBERTO PEREZ ROCHA has not been successful. Despite repeated attempts, Armando Soto has not been able to serve Defendants registered agent at their usual place of business. Defendant's neighbor verified that the address of 420 E. Coma Ave, Ste. C, Hidalgo, Texas, 78557 was the business address of Defendant Trareysa LLC.

2. Upon information and belief, the address at 420 E. Coma, Ste. C, Hidalgo, Texas, 78557 is the office of the registered agent of Defendant Trareysa LLC. Plaintiff states that Defendants Trareysa LLC and Hetelberto Perez Rocha can certainly be found at that address.

3. Plaintiff further state that Defendants Trareysa LLC and Hetelberto Perez Rocha can be given notice of this suit if the Deputy, Constable, or other authorized process server leaves a copy of the citation with Petition attached with anyone over the age of 16 years at 420 E. Coma, Ste. C, Hidalgo, Texas, 78557 or by attaching a true copy of the citation with the Petition and this Order to the front door of that residence.

DATE

7-6-17

A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

Deputy#10

Electronically Filed  
6/21/2017 1:42 PM  
Hidalgo County District Clerks  
Reviewed By: Marcos Lopez

WHEREFORE, Plaintiffs request that the Court order substituted service upon Defendants TRARYESA LLC AND HETELBERTO PEREZ ROCHA in a manner the Court finds will be reasonably effective to give Defendants notice of the suit, and that a true copy of the Order for Substituted Service be attached to and included with the citation and Petition to be served.

Respectfully submitted,

LAW OFFICES OF EZEQUIEL REYNA, JR., P.C.



---

Ezequiel Reyna, Jr.

State Bar No. 16794798

Edward L. Ciccone

State Bar No. 04250550

Damon C. Garcia

State Bar No. 24072105

702 W. Expressway 83, Suite 100

Weslaco, Texas 78596

(956) 968-9556 Phone / (956) 447-0668 Fax

ATTORNEYS FOR PLAINTIFF

AFFIDAVIT in support of Motion for Substitute service pursuant to Rule 106

CAUSE C-2556-17-E

**FRANCISCO AYALA**

**HONORABLE Juan Partida**  
**275<sup>th</sup> District Court**

**Vs**

**HIDALGO COUNTY, TEXAS**

**TRAYESA LLC, HETELBERTO PEREZ**  
**ROCHA Defendants'.**

My name is Armando Soto. I am over the age of eighteen years and I am competent to testify to matters stated in this affidavit. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.

On June 12, 2017, I was appointed to deliver notice in the above cause. I was directed to deliver the notice to most current address 420 E. Coma Ave. Ste. C, Hidalgo TX 78557, Hetelberto Perez Rocha place of abode

I have attempted to deliver to the defendant on the following occasion.

1. June 12, 2017, 6:15 pm I arrived at listed address and notice the name on suite C door is TRAREYSA, LLC I knock on the door several times to no avail. The neighbor from suite D tells me that the people in that office are hardly ever there. The y may stop once in a while for a few minutes in the mornings or the evenings; he states that If I see a black single cab Ford truck parked out front they are there. I ask for Mr. Rocha and he states that "we don't speak to each other so I don't really know their names.
2. June 13, 2017, 3:25 pm I arrive at 420 E Coma Ave. office I notice that the business card I left the previous day has been removed. I leave a second card.
3. June 14, 2017, 11:00 am I arrived at listed address walked over to suite C knocked on the door there was no answer so I left a 3<sup>rd</sup> business card jammed in the door with a message asking that TRAYESA Reg. Agent Ms. Sofia Macias give me a call. The tenant from Suite D, Mr. Muncivies stepped out of his office and tells me that someone had come yesterday afternoon; he states that they have a transports business in Mexico and only come down to the office once in a while. You may not see them again for a while.

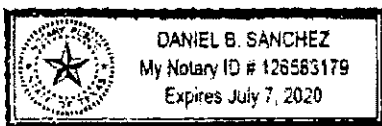
It is my belief that the defendant Hetelberto Perez Rocha has received my business cards and is avoiding service of process. Because of my unsuccessful effort, I believe that the only reasonable manner of service to the defendant is by attaching the Citation with a copy of the petition to the front door or leave the documents in their mailbox.

Armando Soto

Armando Soto

Exp: 06/30/2019 SCH: 7070

Subscribed and sworn to before me by the said Armando Soto this 17 day of June, 2017.



D. B. Sanchez  
Notary Public in and For the State of Texas

AFFIDAVIT in support of Motion for Substitute service pursuant to Rule 106

CAUSE C-2556-17-E

FRANCISCO AYALA

HONORABLE Juan Partida  
275<sup>th</sup> District Court

Vs

HIDALGO COUNTY, TEXAS

TRAYESA LLC, HETELBERTO PEREZ  
ROCHA Defendants'.

My name is Armando Soto. I am over the age of eighteen years and I am competent to testify to matters stated in this affidavit. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.

On June 12, 2017, I was appointed to deliver notice in the above cause. I was directed to deliver the notice to most current address 1801E. Hwy 281 Ste 3, Hidalgo TX 78557, TRAYESA, LLC place of abode

I have attempted to deliver to the defendant on the following occasion.

1. June 12, 2017, 6:00 pm I arrived at listed address and was informed by tenant at suite 3 that there was no company by that name in this building.  
I travel to the second defendant's address at 420 E. Coma Ave. Ste. C, Hidalgo TX and observe the name TRAYESA, LLC stenciled on the front door. The door is locked so I leave a business card with a message on back asking them to give me a call.  
Tenant in Ste. D steps out of his office and tells me that those people are from Mexico and they stop by the office every now and then, he states that if I ever see a black single cab Ford truck parked outside they are probably there.
2. June 13, 2017, 3:25 pm I arrive at TRAYESA, LLC office I notice that the business card I left the previous day has been removed. I leave a second card.
3. June 14, 2017, 11:00 am I arrived at listed address walked over to suite C knocked on the door there was no answer so I left a 3<sup>rd</sup> business card jammed in the door with a message asking that TRAYESA Reg. Agent Ms. Sofia Macias give me a call.  
The tenant from Suite D, Mr. Muncivies stepped out of his office and tells me that the TRARSEYSA office people had come yesterday after noon; he states that they have a transports business in Mexico and only come down to the office once in a while.

It is my belief that the defendant TRAYESA, LLC has received my business cards and is avoiding service of process. Because of my unsuccessful effort, I believe that the only reasonable manner of service to the defendant is by attaching the Citation with a copy of the petition to the front door or leave the documents in their mailbox.

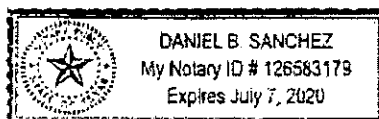
Armando Soto

Armando Soto

Exp: 06/30/2019 SCH: 7070

Subscribed and sworn to before me by the said Armando Soto this 17 day of June 2017.

Daniel B. Sanchez



Notary Public in and For the State of Texas



## CAUSE NO. C-2556-17-E

FRANCISCO AYALA

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IN THE DISTRICT COURT

v

275TH JUDICIAL DISTRICT

TRAREYSA LLC, and HETELBERTO  
PEREZ ROCHA

HIDALGO COUNTY, TEXAS

**ORDER FOR SUBSTITUTED SERVICE**

On this date, came on to be heard Plaintiff's Motion for Substituted Service of citation upon Defendants TRAREYSA, LLC, and HETELBERTO PEREZ ROCHA by a manner other than by delivery in person. The Court heard and considered the motion and the supporting affidavit and finds that:

1. Service of citation has been attempted on Defendants TRAREYSA LLC AND HETELBERTO PEREZ ROCHA by personally delivering it to the address that appears in the records of the Secretary of State of Texas relating to this case, but these attempts have not been successful.
2. The manner of service ordered will be reasonably effective to give Defendants TRAREYSA LLC AND HETELBERTO PEREZ ROCHA notice of the suit.

IT IS THEREFORE ORDERED that service of Defendants TRAREYSA LLC AND HETELBERTO PEREZ ROCHA be by a person authorized by law or by written order of the court to serve process, by leaving a true copy of the citation, with a copy of the Petition and this Order attached with anyone over 16 years of age at 420 E. Coma, Ste. C or by attaching a true copy of the citation with a copy of the Petition and this Order to the front door of that business.

IT IS FURTHER ORDERED that the return of the officer be endorsed on or attached to the citation, state when and how the citation was served, and be signed by the officer or other authorized process server.

Signed this 22nd day of June, 2017.

  
JUDGE PRESIDING

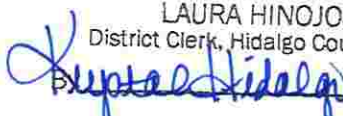
CC:  
Ezequiel Reyna Jr.  
Law Offices of Ezequiel Reyna, Jr. PC  
EMAIL: jparedes.zreynalaw@gmail.com  
Facsimile: (956) 969-0492  
Attorneys for Plaintiff

DATE 7-6-17

A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

 Deputy #10



Electronically Filed  
6/23/2017 5:53 PM  
Hidalgo County District Clerks  
Reviewed By: Krystal Hidalgo

**NOTICE: Pursuant to TRCP 126: Statement of Inability to Afford Payment of Court Costs or an Appeal Bond filed = NO**

**C-2556-17-E  
275TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**

**CITATION  
STATE OF TEXAS**

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

**HETELBERTO PEREZ ROCHA  
420 E. COMA AVE., STE. C  
HIDALGO, TX 78557**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Juan Partida, 275th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 7th day of June, 2017 and a copy of same accompanies this citation. The file number and style of said suit being C-2556-17-E, **FRANCISCO AYALA VS. TRAYESA LLC, HETELBERTO PEREZ ROCHA**

Said Petition was filed in said court by Attorney **EZEQUIEL REYNA, JR., 702 W EXPRESSWAY 83, STE. 100 WESLACO, TX 78596.**

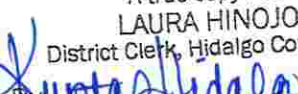
The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 7th day of June, 2017.

**LAURA HINOJOSA, DISTRICT CLERK  
100 N. CLOSNER, EDINBURG, TEXAS  
HIDALGO COUNTY, TEXAS**

  
\_\_\_\_\_  
**KRYSTAL HIDALGO, DEPUTY CLERK**

DATE 7-6-17  
A true copy I certify  
**LAURA HINOJOSA**  
District Clerk, Hidalgo County, Texas  
By  Deputy #10

Electronically Filed  
6/23/2017 5:53 PM  
Hidalgo County District Clerks  
Reviewed By: Krystal Hidalgo

C-2556-17-E  
OFFICER'S RETURN

Came to hand on 12 of June, 201 7 at 11:30 o'clock A.m. and executed in Hidalgo County, Texas by delivering to each of the within named Defendant ~~in person~~, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the CITATION Y (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Roberto Perez Rocha</u>	<u>6/23/17</u>	<u>3:45 PM</u>	<u>4320 E. COMA AVE STE. C</u> <u>Hidalgo TX 79557</u>

And not executed as to the defendant, \_\_\_\_\_ the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of said defendant, being: \_\_\_\_\_. I actually and necessarily traveled \_\_\_\_\_ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ \_\_\_\_\_  
miles .....\$ \_\_\_\_\_

DEPUTY

COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Armando Soto, my date of birth is 06/27/48 and the address is 262187 Edinburg TX, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 23 day of June, 201 7.

Armando Soto  
Declarant"

06/20/2019 3CH 7070  
If Certified by the Supreme Court of Texas  
Date of Expiration / SCH Number

DOCUMENTS  
E-FILED

Electronically Filed  
 6/23/2017 5:53 PM  
 Hidalgo County District Clerks  
 Reviewed By: Krystal Hidalgo  
 Hidalgo County District Clerks  
 Reviewed By: Marcos Lopez

CAUSE NO. C-2556-17-E

FRANCISCO AYALA

§ IN THE DISTRICT COURT

v

§ 275TH JUDICIAL DISTRICT

TRAREYSA LLC, and HETELBERTO  
 PEREZ ROCHA

§ HIDALGO COUNTY, TEXAS

**ORDER FOR SUBSTITUTED SERVICE**

On this date, came on to be heard Plaintiff's Motion for Substituted Service of citation upon Defendants TRAREYSA, LLC, and HETELBERTO PEREZ ROCHA by a manner other than by delivery in person. The Court heard and considered the motion and the supporting affidavit and finds that:

1. Service of citation has been attempted on Defendants TRAREYSA LLC AND HETELBERTO PEREZ ROCHA by personally delivering it to the address that appears in the records of the Secretary of State of Texas relating to this case, but these attempts have not been successful.
2. The manner of service ordered will be reasonably effective to give Defendants TRAREYSA LLC AND HETELBERTO PEREZ ROCHA notice of the suit.

IT IS THEREFORE ORDERED that service of Defendants TRAREYSA LLC AND HETELBERTO PEREZ ROCHA be by a person authorized by law or by written order of the court to serve process, by leaving a true copy of the citation, with a copy of the Petition and this Order attached with anyone over 16 years of age at 420 E. Coma, Ste. C or by attaching a true copy of the citation with a copy of the Petition and this Order to the front door of that business.

IT IS FURTHER ORDERED that the return of the officer be endorsed on or attached to the citation, state when and how the citation was served, and be signed by the officer or other authorized process server.

Signed this 22nd day of June, 2017.

  
 JUDGE PRESIDING

CC:  
 Ezequiel Reyna Jr.  
 Law Offices of Ezequiel Reyna Jr. PC  
 EMAIL: jparedes.zreynalaw@gmail.com  
 Facsimile: (956) 969-0492  
 Attorneys for Plaintiff

Electronically Filed  
6/23/2017 5:53 PM  
Hidalgo County District Clerks  
Reviewed By: Krystal Hidalgo

NOTICE: Pursuant to TRCP 126: Statement of Inability to Afford Payment  
of Court Costs or an Appeal Bond filed = NO

C-2556-17-E  
275TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION  
STATE OF TEXAS

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

**TRAREYSA, LLC**  
REGISTERED AGENT, SOFIA MACIAS  
1801 E. HWY. 281. STE. 3  
HIDALGO, TX 78557

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Juan Partida, 275th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 7th day of June, 2017 and a copy of same accompanies this citation. The file number and style of said suit being C-2556-17-E. **FRANCISCO AYALA VS. TRAYESA LLC, HETELBERTO PEREZ ROCHA**

Said Petition was filed in said court by Attorney EZEQUIEL REYNA, JR., 702 W EXPRESSWAY 83, STE. 100 WESLACO, TX 78596.

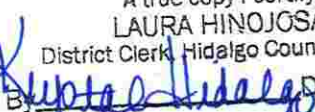
The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 7th day of June, 2017.

**LAURA HINOJOSA, DISTRICT CLERK**  
100 N. CLOSNER, EDINBURG, TEXAS  
HIDALGO COUNTY, TEXAS

  
KRISTAL HIDALGO, DEPUTY CLERK

DATE 7-10-17  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
By  Deputy #10



Electronically Filed  
6/23/2017 5:53 PM  
Hidalgo County District Clerks  
Reviewed By: Krystal Hidalgo

C-2556-17-E  
OFFICER'S RETURN

Came to hand on 12 of June, 201 7 at 1:30 o'clock A.m. and executed in Hidalgo County, Texas by delivering to each of the within named Defendant ~~in person~~, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the Citation (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
TRAREYSA LLC	6/23/17	3:45 PM	420 E. Coma Ave. Bldg. C Hidalgo, TX 79557

And not executed as to the defendant, \_\_\_\_\_, the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of said defendant, being: \_\_\_\_\_. I actually and necessarily traveled \_\_\_\_\_ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ \_\_\_\_\_  
miles ..... \$ \_\_\_\_\_

DEPUTY

COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Amando Soto, my date of birth is 08/27/1948 and the address is Box 4687 Edwburg, TX and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 23 day of June, 201 7.

Amando Soto  
Declarant"

06/30/2019 SC# 7070

If Certified by the Supreme Court of Texas  
Date of Expiration / SCH Number

DOCUMENTS  
E-FILED

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 Attorneys for Plaintiff